IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.24991 of 2004 & 178 of 2005

WRIT PETITION NO : 24991 of 2004

Between:

M/s. Shankar Milling Industry, Ramachandrapur Bazar,P.O. Jatni-752050, District: Khuda, Orissa State, rep by Authorised Signatory-Ramesh Darak

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Andhra Pradesh, Hyderabad
2 The Prohibition and Excise Superintendent, Nizamabad District at Nizamabad
3 Ratan Khandasari Sugar Mills, Factory at Bhanswada, Nizamabad District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus declaring that the Respondents have on jurisdiction to cause any restriction on the transport of Molasses by the petitioner from Andhra Pradesh State to any other place in the other States in India as such restriction is illegal and without

jurisdiction apart from being violative of Article 19 (1)(g) of the Constitution of India.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent Nos.1 & 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3: -none-

WRIT PETITION NO : 178 of 2005

Between:

M/s Shankar Milling Industry, Ramachandrapur Bazar,

P.O. JATNI - 752050, District Khuda, Orissa State,

rep. by its Authorised Signatory - Ramesh Darak.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Nizamabad District at Nizamabad.
3 Gupta Khandasari Sugar Mills, Factory at Domakonda, Jangaon Mandal, Nizamabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of mandamus, declaring that the Respondents have no jurisdiction to cause any restriction on the transport of Molasses by the Petitioner from Andhra Pradesh State to any other place in the other States in India as such restriction is illegal and without jurisdiction apart from being violative of Article 19 (1) (g) of the Constitution of India and pass such other or further orders

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent Nos.1 and 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3: -none-

The Court at the stage of admission made the following COMMON ORDER:

The petitioner, in both these writ petitions, claims to be an industry, undertaking the projects and supply of molasses to various industries. The complaint of the petitioner is that the respondents are insisting on obtaining permits for transporting the molasses. The petitioner contends that according to the existing legal reigns, there is no necessity to obtain permits or licenses for transporting the molasses.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The necessity to obtain licence or transport permit for possessing or transporting molasses was considered by this Court in **M/s. Gauri Industries (Manufacturers of Rectified Spirit) v. Commissioner of Prohibition & Excise, Andhra Pradesh (W.P.No.8136 of 2004)**, which in turn, followed certain Judgments of the Division Bench. It was held therein that no permit is needed for transporting the molasses under valid purchase bills. A rider was added to the effect that in case the molasses is used for manufacture of any illicit liquor or for other unauthorized purposes, it can certainly be seized.

Following the same, both these writ petitions are disposed of directing that-

a. Respondents 1 and 2 shall not interfere with the transport of the molasses by the petitioner as long as it is meant for manufacture of any produce, which is not prohibited by law;

b. The petitioner shall not be entitled to use the molasses so transported for manufacture of the illicit liquor or other products prohibited by law; and

c. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

4th FEBRUARY, 2005.

Kvni

To

1 The Commissioner of Prohibition and Excise Andhra Pradesh, Hyderabad
2 The Prohibition and Excise Superintendent, Nizamabad District at Nizamabad
3 Two CCs to the Government Pleader for Prohibition and Excise, A.P.High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.